

AMENDMENTS TO THE DRAWINGS:

Please cancel the original drawings in their entirety and replace them with the attached replacement drawings.

Attachments:

Replacement Drawings (Figures 1-10 , 10 drawing sheets)

REMARKS

Entry of the foregoing, reexamination, and further and favorable reconsideration of the subject application, as amended and in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are respectfully requested.

I. Amendments to the Drawings

By the foregoing amendment, the drawings have been amended to correct the scale (see below for more detail).

II. Amendments to the Claims

By the foregoing amendment, claims 1 and 4 have been amended. In particular, claim 1 has been amended to recite a rate of 5 to 20 mL/kg/hour rather than a rate of 2 to 60 mL/kg/hour. The amendment to claim 1 is supported at least at page 5, lines 27-32 of the specification. In addition, claim 4 has been amended by replacing the phrase "said patient supervenes metabolic acidosis" with the phrase "the water and electrolyte balance and acid-base equilibrium supervenes metabolic acidosis." The amendment to claim 4 is supported at least at page 2, lines 29-32 of the specification

The amendments to the claims have been made without prejudice or disclaimer to any subject matter recited or canceled herein. Applicants reserve the right to file one or more continuation and/or divisional applications directed to any

canceled subject matter. No new matter has been added, and entry of the foregoing amendments of the above-identified application are respectfully requested.

III. Response to Objection to the Drawings

The drawings filed on September 22, 2003 with the present application have been objected to by the Examiner, based on the Notice of Draftperson's Patent Drawing Review (PTO-948 form) (attached to the Office Action). The Notice indicates that Figures 1-10 are objected to because the scale of the drawings is too small.

In response, Applicants have amended the drawings by placing each figure on a separate page and enlarging the scale of each figure.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

IV. Response to Rejection Under 35 U.S.C. § 112, Second Paragraph

At page 2 of the Office Action, claim 4 has been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Specifically, the Examiner has stated that the phrase "wherein said patient supervenes metabolic acidosis" is incorrect and confusing because a patient cannot follow or "supervene" metabolic acidosis. It is the Examiner's position that while some other condition in a patient can supervene acidosis, the patient himself or herself cannot supervene acidosis.

As noted above, claim 4 has been amended by replacing the phrase "said patient supervenes metabolic acidosis" with the phrase "the water and electrolyte

balance and acid-base equilibrium supervenes metabolic acidosis." Applicants submit that claim 4, as amended, particularly points out and distinctly claims the subject matter which Applicants regard as the invention.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

V. Response to Rejection Under 35 U.S.C. § 103(a)

At pages 3-8 of the Office Action, claims 1-4 and 15 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over JP 10-203961 in view of Medline abstract 93060291, HCAPLUS abstract 1984: 188290, and HCAPLUS abstract 1997:400035.

Specifically, the Examiner has acknowledged that the '961 patent does not explicitly disclose the rate of 2-60 mL/kg/hr administered to a patient undergoing an operation or a postoperative patient. However, the Examiner has concluded that such an infusion rate would have been obvious. This rejection is respectfully traversed.

To expedite prosecution in the present application and not to acquiesce to the Examiner's rejection, claim 1, as noted above, been amended to recite a continuous infusion rate of 5 to 20 mL/kg/hour rather than a rate of 2 to 60 mL/kg/hour.

Applicants submit that an infusion rate of 5 to 20 mL/kg/hour is not taught or suggested in the '961 patent. In addition, Applicants note that the infusion speed of 60 mL/kg/hour described in JP 10-203961 is described in the context of an animal experiment using diabetic ketoacidosis model rats. In contrast, the present methods

are directed to methods for controlling water and electrolyte balance and acid-base equilibrium in a patient undergoing an operation or in a postoperative patient.

Therefore, the references cited by the Examiner, taken alone or in combination, do not teach or suggest the methods recited in the present claims. Since a proper *prima facie* case of obviousness has not been established, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited. In the event that there are any questions relating to this Amendment and Reply, or the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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